

FOREWARD

Impaired driving and related offenses is a pervasive that affects the entire population of the State of Utah. Despite prevailing views on the consumption of alcohol within the state, impaired driving continues to take the lives of dozens of our fellow citizens each year and causes nearly incalculable damage to property and health of the state.

Prosecutors throughout the state, in conjunction with our colleagues in law enforcement and substance abuse treatment, deal with this problem on a daily basis. Despite the severity of impaired driving cases and their complexity, it is often the newer, less experienced prosecutors who are assigned the DUI case load.

It is the intent of this manual to provide a basic understanding of the laws, rules, and other complexities of these crimes. It is not the intent of the author to create a manual that will address every possible new issue that may arise within the context of DUI prosecution. It is, instead, hoped that this manual will provide a starting point in presenting a DUI case and dealing with defense motions.

Users of this manual should understand that every attempt has been made to ensure the currency and accuracy of the information contained herein. However, all statutes and cases should be verified when using as a reference in court pleadings.

Please use this manual as a tool to do good and to enhance the safety of the highways within your respective communities. The protection of human life and the preservation of public safety is at the core of prosecution practice. Aggressive and competent handling of impaired driving cases will address this as effectively as almost any other part of your practice.

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DEDICATION

This manual is dedicated to the memory of all those who have lost their lives as a result of another's decision to drive impaired. Those lives lost are irreplaceable.

It is the hope of the author that through aggressive prosecution of impaired driving cases, we can eventually reach the goal of zero fatalities on Utah's highways.